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May 31, 2019

CN: 1-1-03-01  
**Submitted via Environmental Registry of Ontario**

Ministry of Municipal Affairs  
777 Bay Street  
Toronto ON M5G 2E5

**Re: Town of Lincoln Comments – Bill 108, The Proposed More Homes, More Choice Act (ERO 019-0016 and ERO 019-0017)**

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On behalf of the Town of Lincoln we have reviewed proposed Bill 108, The Proposed More Homes, More Choice Act. As requested by the Ministry, we have prepared the following feedback for Bill 108.

The Town recently completed a significant undertaking to enact DC By-law No. 2018-93 on October 1, 2018 and which expires on October 1, 2023. The proposed amendments to the Development Charges Act will significantly impact the Town's financial planning, revenues, collection risks, and ability to manage cash flow for necessary growth-related infrastructure. Given the magnitude of changes proposed, effective transition will be critical for the Town. As such, the Town respectfully requests that the Province lengthen the proposed transition provisions to tie the prescribed enactment date for all proposed amendments to the Development Charges Act to the expiry date of an existing DC by-law.

The Town also respectfully requests that the Province consult with municipalities prior to issuing any regulations associated with Bill 108.

A copy of Report PD 49-19 provides preliminary implications of the changes proposed by Bill 108 to the Town and is attached for your information.

Should you require any further information or clarification please do not hesitate to contact the undersigned.

Yours sincerely,



Melissa Shih, MCIP, RPP  
Manager of Special Projects  
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905-563-2799 x250

Attachment: Staff Report PD 49-19

- C. Teri Trewolla, Acting Director of Finance & Administration, Town of Lincoln  
Kathleen Dale, MCIP, RPP, Director of Planning & Development, Town of Lincoln



<b>Subject:</b>	Ontario's Housing Supply Action Plan and Proposed Bill 108
<b>To:</b>	Planning & Economic Development Committee
<b>From:</b>	Planning and Development Department

<b>Report Number:</b>	PD-49-19
<b>Wards Affected:</b>	All
<b>Date to Committee:</b>	Monday, June 10, 2019
<b>Date to Council:</b>	Monday, June 17, 2019

### **Recommendation:**

Receive Report PD-49-19 on More Homes, More Choice – Ontario's Housing Supply Action Plan and Proposed Bill 108.

That a copy of this report be forwarded to the Ministry of Municipal Affairs and Housing for consideration in their review.

That the Ministry of Municipal Affairs and Housing be requested to consult with municipalities prior to issuing any regulations associated with Bill 108.

### **Purpose:**

The purpose of this report is to provide to Committee and Council information on the Province's recently released More Homes, More Choice – Ontario's Housing Supply Action Plan. This report highlights amendments to legislation proposed in Bill 108, More Homes, More Choices Act, 2019, introduced on May 2, 2019 as part of the Housing Supply Action Plan.

### **Background:**

On May 2, 2019, the Province announced its More Homes, More Choice – Ontario's Housing Supply Action Plan (Housing Supply Action Plan) and Bill 108, More Homes, More Choices Act, 2019 received First Reading in the Ontario Legislature. Bill 108 proposes to amend 13 different statutes, involving a suite of legislative, regulatory and policy changes across multiple ministries.

The Province's stated purpose of the Housing Supply Action Plan is to cut red tape, build more housing and increase the number of affordable homes.

## Report:

The Housing Supply Action Plan involves municipalities, nonprofits, and private industry. It proposes a number of amendments to the land use planning regime in Ontario, and comprises of:

- Changes to the Provincial Policy Statement, yet to be released for comment.
- Release of the final version of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow), in effect as of May 16, 2019, to replace the Growth Plan for the Greater Golden Horseshoe (2017).

On January 15, 2019, the Province released Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe (2017). This was summarized in Report PD-16-19 to Committee on February 11, 2019 (Appendix A). The intent of the proposed amendments was to address implementation challenges with the Growth Plan, increase housing supply, promote economic growth, and maintain protections for the Greenbelt, agricultural lands, the agri-food sector, and natural heritage systems.

A total of 650 submissions were received by the Ministry of Municipal Affairs and Housing during the consultation period. The municipal and development sectors were said to be generally supportive of the increased flexibility and greater local autonomy of the proposed amendments. Concern was raised by the agricultural and environmental sectors that the changes would result in the loss of agricultural and sensitive environmental lands.

The vast majority of changes released for consultation have been included in the final version of A Place to Grow. In response to feedback received, the new plan reflects:

- Reduction of intensification target and designated greenfield area density target for certain municipalities (Niagara Region targets remain unchanged from draft);
  - Clarifying implementation of certain employment area policies, including policies for Provincially Significant Employment Zones;
  - Clarifying that delayed implementation of the provincial mapping of the agricultural land base only applies outside of the Greenbelt
- Bill 108, the More Homes, More Choice Act, 2019 was introduced in Ontario Legislature on May 2, 2019. Bill 108 is currently at Second Reading debate and can be found on the Province's website at: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>. Bill 108 proposes to amend the following 13 statutes to implement the Housing Supply Action Plan:
    - Cannabis Control Act, 2017
    - Conservation Authorities Act
    - Development Charges Act

- Education Act
- Endangered Species Act, 2007
- Environmental Assessment Act
- Environmental Protection Act
- Labour Relations Act, 1995
- Local Planning Appeal Tribunal Act, 2017
- Occupational Health and Safety Act
- Ontario Heritage Act
- Planning Act
- Workplace Safety and Insurance Act, 1997

This report describes key amendments proposed by Bill 108 with particular focus on the Planning Act, Local Planning Appeal Tribunal Act 2017, Ontario Heritage Act, and Development Charges Act 1997. Preliminary commentary on implications to the Town are also provided based on Staff interpretation of the limited information released by the Province to date. The impacts of Bill 108, financial and otherwise, will be assessed by Staff in greater detail once implementation regulations are released by the Province.

**Planning Act:** Bill 108 proposes changes to the Planning Act to streamline planning approvals, provide more certainty around the costs associated with development, and increase the mix and supply of housing.

**Key Amendments Proposed:**

- Official plans must contain policies permitting an additional residential unit in a single dwelling and a residential unit in a building ancillary to the main residence (i.e. additional unit above garage).
- Restricts municipalities' ability to enact Inclusionary Zoning to protected major transit station areas or areas with a development permit system in place. Currently, municipalities are permitted to enact Inclusionary Zoning in all or part of the municipality. Inclusionary Zoning is an affordable housing tool that, when enacted by a municipality, specifies an amount of affordable housing units to be included in a development with at least 10 residential units.

**Implications to the Town:**

- ➔ The increased flexibility for adding secondary suites will encourage the creation of additional housing types. Currently, an additional residential unit is permitted in the main dwelling or the ancillary building, but not both.
- ➔ The Town does not currently have any areas that would qualify to enact Inclusionary Zoning as proposed by Bill 108. The proposed restriction on Inclusionary Zoning will limit the tools available to the Town to deliver affordable units with certainty. Bill 108 largely relies on the real estate market to pass development cost savings to purchasers.

- Proposes significantly reduced timelines for municipalities to make a decision on development applications, after which a right to appeal to the LPAT occurs. Eliminates the ability of the municipality to extend the timeline up to 90 additional days to make a decision on official plans and official plan amendments.
- Reduced timelines to evaluate development applications may be challenging to meet, particularly for complex applications and those involving comment by external agencies. Shorter timelines may lead to more LPAT appeals.

<u>Instrument</u>	<u>Bill 139 (Existing)</u>	<u>Bill 108 (Proposed)</u>
Official Plan Amendment	210 days	120 days
Zoning By-Law Amendment	150 days	90 days
Draft Plan of Subdivision	180 days	120 days

**Community Benefits Charge (CBC):** Proposes a substantive amendment to the financial tools available to municipalities to raise community infrastructure capital for new development. Introduces a Community Benefits Charge (CBC) that effectively bundles density bonus provisions, parkland dedication cash in-lieu, and growth-related “soft service” development charges (DCs) into a single, capped charge.

The Community Benefits Charge, if passed, may undermine the principle that growth should pay for growth and may impact the ability of the Town to provide necessary community infrastructure.

**Key Amendments Proposed:**

- Municipalities are provided with authority to pass a CBC By-law to impose CBC charges capped at a percentage of land value for the development site, to be prescribed by regulation not yet released. Before passing a CBC by-law, the municipality must prepare a strategy that identifies the facilities, services and matters that will be funded with CBCs and consult with appropriate persons and public bodies.

CBCs may only be applied to approval of zoning by-laws amendments, minor variances, plans of subdivision and condominiums, consents or the issuance of building permits.

**Implications to the Town:**

- Land values vary widely across communities, fluctuate over time, and are not tied to construction cost inflation. Land values have little relation to the municipal capital costs which are to be funded through the CBC. As a result, the Town may not be able to generate enough funds to support the infrastructure needs of growth and development.

The Province will cap the CBC at a maximum percentage of land value. If the proposed changes to capital funding are not revenue neutral, there will be negative implications to the delivery of community infrastructure across the Town. Growth-related community infrastructure projects comprise of millions of dollars of DC funding, as allocated in DC By-Law 2018-93.

The CBC by-law is intended to replace the following financing tools currently available to municipalities:

- Bill 108 eliminates Planning Act Sections 42 and 51 provisions which enable municipalities to use an alternative parkland dedication rate (1 hectare per 300 dwelling units or cash-in-lieu at 1 hectare per 500 dwellings units) that is appropriate for higher density development.
  - Bill 108 eliminates Planning Act Section 37 density bonusing provisions which permit municipalities to authorize additional density in return for in-kind benefits or cash.
  - Bill 108 removes growth-related “soft services”, such as park improvements, recreational facilities, libraries, and child care, from the Development Charges Act. These services are intended to be recoverable in the CBC.
- If a municipality does not pass a CBC by-law, then existing base parkland dedication rates, including cash-in-lieu, will be maintained at a base rate of 5% for residential development and 2% for commercial/industrial lands.
    - ➔ The base parkland dedication rates are geared toward traditional low-rise subdivisions and will not generate enough parkland to support increasingly intense development. The alternative parkland rate currently provided in the Planning Act is an important tool to enable municipalities to deliver sufficient parkland based on the number of residential units to be developed. Bill 108 will limit the Town’s ability to achieve effective parkland dedication to support the needs generated by high density and infill residential development.
  - Municipalities’ collection and use of CBC funds will be governed and will include a requirement that at least 60% of the monies in the CBC special account must be spent or allocated each year.
    - ➔ Spending provisions for CBC monies may hamper the Town’s ability to accumulate funds for large park and community facility projects.

**Development Charges Act, 1997:** Substantial changes are proposed to how growth-related costs are funded. These changes are intended to increase housing options, boost housing supply, bring certainty to the amounts that are to be paid, and reduce costs to build certain types of homes.

The proposed changes will significantly impact municipal financial planning for growth-related capital works. The changes to development charges will lead to greater certainty of development costs for developers, however, will likely lead to reduced revenues, collection risks, and cash flow implications for municipalities.

**Key Amendments Proposed:**

- Development charges will be locked in at the time a site plan application or zoning by-law amendment is filed, as opposed to the time of building permit issuance. The timing of payment will remain unchanged at building permit issuance.

DC rates are proposed to be locked in for all applications filed beginning on the date new legislation comes into force.

- Deferral of DC payments for institutional, industrial, commercial, rental housing and non-profit housing developments to six annual installments from the date of first occupancy, as opposed to the time of building permit issuance. Interest would apply to installment payments, at a rate to be prescribed by regulation.

The deferred payments are proposed to apply to DCs payable beginning on the date new legislation comes into force.

**Implications to the Town:**

➔ Developers may use early trigger points to avoid DC rate increases, reducing the incentive for timely building permit applications. A substantial period of time may pass between submission of a development application and the date of building permit issuance. This will limit the Town's ability to index fees and charges in correlation with increasing construction costs. Therefore, chargeable rates will not reflect current costs as of the time the development proceeds to be built.

➔ The wide range of uses proposed for deferral of DC payments make up a significant portion of DCs collected by the Town. This will impact the Town's ability to manage cash flow to finance growth-related infrastructure when needed. Commercial and industrial development do not increase the supply of housing; infrastructure required by these uses will need to be paid disproportionately by another land use or taxpayer.

Deferred DC payments acts as an unsecured loan from the municipality to developers. Municipal borrowing capacity is limited. This will result in increased municipal borrowing and risk. Additional administrative burden will arise to protect against collection losses.



- Unpaid DCs, including interest payable will be added to the tax roll. → Unpaid DCs would not have priority lien status which is problematic when a property is in default.
- Adds mandatory DC exemptions for: secondary suites in new residential buildings; secondary suites in ancillary structures; the conversion of communal areas to residential units in rental buildings. → Will likely result in an increase in secondary suites. The revenue loss from these additional DC exemptions must be funded from non-D.C. funding sources and may lead to increased obligation on property taxes.
- Transition regulation: Existing DC By-laws will expire:
  - a) The day it is repealed;
  - b) The day the municipality passes a community benefits charge by-law; or
  - c) A prescribed date to be set in provincial regulation.
 → The Town’s current DC By-law No. 2018-93 expires on October 1, 2023. It is not clear when the “soft services” component of the DC Act will be repealed.

**Local Planning Appeal Tribunal (LPAT):** Bill 108 proposes to broaden LPAT powers to manage and decide cases by repealing many of the amendments made through the Local Planning Appeal Tribunal (LPAT) Act in 2017 and restoring an appeal process similar to the previous Ontario Municipal Board (OMB). The Province is also proposing to appoint additional adjudicators to help clear the backlog of cases at the LPAT.

**Key Amendments Proposed:**

- A return to the past Ontario Municipal Board (OMB) practice where a “best planning outcome” approach is used for the basis of decisions and a return to single hearings where development proposals are considered from the beginning, as if no decision had been ever made by a municipal council. LPAT would no longer evaluate appeals based exclusively on a test that Council’s decision conformed to official plans and provincial plans and policy.
- Allows parties to introduce evidence not previously before Council and call and examine witnesses at hearings. The Tribunal will continue to have the authority to limit evidence presented at

**Implications to the Town:**

- There will be wider grounds for appeal to LPAT, possibly increasing the number of LPAT appeals made.

The return to a single hearing and the provision of decision making power to the LPAT will reduce the influence of Town Council and Council decisions on planning matters. This may result in increased LPAT appeals for zoning by-law and official plan amendment decisions.

a hearing. The Tribunal may consider whether the information could have materially affected Council's decision, and if so, provide an opportunity for Council to reconsider its decision and make a written recommendation.

- Retains mandatory case management conferences prior to any hearing. LPAT is proposed to have a new power mandating mediation or other dispute resolution process to resolve issues in the proceeding. → Mediation may resolve issues without having to proceed to a hearing.
- Restricts third party appeals for non-decisions on an official plan amendment application and approvals of a draft plan of subdivision (to the applicant, municipality, Minister, and prescribed public body or person). Site plan applications currently have restrictions on third party appeals. → This limitation on appeal rights may lead to a reduction in LPAT appeals and consequently reduce application processing times.
- LPAT will gain oversight of heritage-related appeals, described further in the proposed Ontario Heritage Act amendments. → Broadened LPAT oversight may lead to additional hearing backlogs.
- Pending planning appeals may be heard under the current Bill 139 system or the new system, to be decided by the Minister of Municipal Affairs and Housing. → It is not known how matters currently before the LPAT will be treated.

**Ontario Heritage Act:** Bill 108 proposes a new process to add more certainty, transparency and strict timeframes to pass Heritage Act designations. The proposal will reduce the influence of Council through LPAT appeal rights and providing decision making power to the LPAT.

**Key Amendments Proposed:**

- Municipal councils must notify property owners of its decision, within 30 days, to add a property to the municipal heritage registry list. Property owners are empowered with the ability to object to a municipal council's decision.
- Proposal to establish principles that Council will be required to consider when making decisions under the Ontario Heritage Act, including enhanced guidance on

cultural heritage landscapes facilitating a more consistent approach to decision making under the OHA.

- Requires designation by-laws to comply with requirements prescribed by regulation, including describing the cultural heritage value or interest of the property and its heritage attributes.
- Clarifies demolition regulations under section 34 of the Act for a better understanding of the distinction between alteration and demolition to help reduce disputes that can cause approval delays.
- Introduces LPAT appeal rights to property owners for heritage designations and alteration and demolition applications. LPAT will have final determination for such appeals. Currently, appeals are adjudicated by the Conservation Review Board, whose decisions are non-binding and Council has final authority for designation.
- Establishes a new municipal timeline requirement for complete applications, notices and decisions relating to alteration and demolition applications and designation decisions. Upon failure of municipalities to meet specified time periods, alteration and demolition applications will have deemed consent and designation decisions will be deemed withdrawn.

**Cannabis Control Act, 2017:** Bill 108 proposes additional tools for police and law enforcement to combat the illegal cannabis market and criminal activity. Municipal by-law enforcement staff are not included in the proposed amendment.

Key Amendments Proposed:

- Repeals a provision exempting premises being used as a residence from interim closure orders for illegal dispensaries. This is to deal with the tactic of putting a residency within an illegal dispensary.
- Sets minimum fines in addition to maximum fines for individuals and landlords who commit offences (\$10,000 for a first conviction) related to illegal sale and distribution of cannabis.
- Makes it an offence to enter or attempt to enter a premise that has been barred by police; creates exemptions allowing police and other emergency responders to enter the premises for 'exigent circumstances.

**Conservation Authorities Act:** Proposal for Conservation Authorities to refocus on delivering their core mandate, increased transparency and accountability, and make the approval process faster, more predictable, and less costly.

Key Amendments Proposed:

- Clearly defines core mandatory programs and services that are provided by Conservation Authorities (CAs) to include: natural hazard protection and

management, management and conservation of CA lands, source water protection under the *Clean Water Act, 2006*, and protection of the Lake Simcoe watershed.

- Requires CAs to enter into memoranda of understanding with municipal governments on service delivery to avoid duplication in planning and development. Municipalities are proposed to pay for the services agreed upon, not additional non-core programs and discretionary expenses.
- Provides governance and oversight-related provisions such as CA board member training and Minister oversight.
- Requires municipalities and CAs to review levies for non-core programs after a certain period of time (e.g., 4 to 8 years).
- Provides authority to the Minister to appoint investigators to investigate a CA's operations, the CA may be required to pay for all or part of the costs of an investigation.
- Explicitly requires CA board members to act in the best interest to further the objects of the conservation authority, similar to not-for profit organizations.

**Endangered Species Act, 2007:** Bill 108 proposes a new approach to how protected species are identified and how species and their habitat are protected. The changes are intended to streamline development.

Key Amendments Proposed:

- Requires broader geographic context (both inside and outside Ontario) to be considered in determining species' status and level of protection. An animal that is endangered can be de-listed if it safely exists in another nearby jurisdiction.
- New listing of species will not automatically lead to protections. The Minister will have the authority to suspend protections temporarily. The Minister also has the authority to make regulations that limit the protections granted by the Act to protected species.
- Removes automatic protection for species at risk. Provides Minister with authority to suspend protections for an endangered or threatened species listed for the first time for up to three years, if certain conditions are met.
- Extends the timeframe for a Species at Risk in Ontario to be listed and enacted in regulation from three months to twelve months.
- Enables phasing in of protection implementation.
- Establishes a new Species at Risk Conservation Fund and provincial agency to manage and administer the Fund for activities that support protection or recovery of

species' at risk. The fund would allow developers, municipalities and other to pay a "species conservation charge" as a condition of a permit, in lieu of imposed conditions to protect and recover species at risk.

**Environmental Assessment Act:** Bill 108 proposes to remove lowest risk projects from Ontario's environmental assessment process to streamline approval timelines.

Key Amendments Proposed:

- Increases exemptions for low risk activities subject to Class Environmental Assessments, some of which are subject to meeting criteria (i.e. speed bumps, de-icing). This will better align the type of assessment required with the level of environmental risk associated with a given project.
- Exempts the Province from a number of EA requirements related to transit, mines, parks and real estate.

**Environmental Protection Act:** Bill 108 proposes to reduce construction costs associated with managing and transporting excess soil and strengthen Provincial officers' enforcement tools for those who violate environmental laws.

Key Amendments Proposed:

- Provides rules for the safe reuse of excess soil to allow diversion of soil from landfills.
- Broadens the scope of administrative penalties for violations to ensure compliance with requirements or orders made under the Act.
- Re-enacts provincial officers with the authority to seize and dispose of vehicle plates used in connection with an offence

### **Education Act**

- Changes the education development charges framework to provide for alternative projects that would allow the allocation of revenue from education development charge by-laws for projects that would address pupil accommodation and reduce the cost of acquiring land.
- Allows School Boards to use revenue from education development charges, with the Minister's approval, towards innovative and lower-cost alternatives to site acquisition.

The proposed changes to the Occupational Health and Safety Act, Workplace Safety and Insurance Act, 1997 and Labour Relations Act, 1995 appear to be minor in nature.

### Next Steps

If Bill 108 becomes law, many additional regulations would be required for implementation. Many key implementation details are not yet known, including the caps on Community Benefit Charge By-laws and how existing appeals at the LPAT will be

treated. Detailed conclusions on implications to the Town from a financial impact, administrative burden, planning and development approvals, and appeals perspective cannot be made until further details and implementation regulation is provided.

### **Financial, Legal, Staff Considerations:**

Financial: Assessment of the financial impacts to the Town will be made once further details and implementation regulation becomes available.

Staffing: N/A

Legal: N/A

### **Public Engagement Matters:**

The legislation for Bill 108 has been introduced in Ontario Legislature and specific items were posted for public comment by June 1, 2019.

### **Conclusion:**

This report provides a summary of the Province's recently released More Homes, More Choice – Ontario's Housing Supply Action Plan and Bill 108, The More Homes, More Choice Act which seeks to amend 13 different statutes. Proposed Bill 108 will impact municipalities in many ways, including land use planning and the development approval and appeal process. Detailed conclusions on implications to the Town from a financial impact, planning and development approvals, and appeals perspective cannot be made until further details and implementation regulation is provided.

Staff will continue to monitor the status of Bill 108 and will report to Council once further information is available.

Respectfully submitted,  
Melissa Shih, MCIP, RPP  
Manager of Special Projects  
905-563-2799 Ext.250

### **Appendices:**

Appendix A (Report PD-16-19, Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe (2017))

### **Report Approval:**

Report has been reviewed and/or approved by the Associate Director of Planning & Development Department, the Acting Director of Finance & Administration, the Director of Community Services, and the Heritage Committee Staff Representative. Final approval is by the Chief Administrative Officer.



<b>Subject:</b>	Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe
<b>To:</b>	Planning & Economic Development Committee
<b>From:</b>	Planning and Development Department

<b>Report Number:</b>	PD-16-19
<b>Wards Affected:</b>	All
<b>Date to Committee:</b>	Monday, February 11, 2019
<b>Date to Council:</b>	Tuesday, February 19, 2019

**Recommendation:**

**Receive** Report PD-16-19 on the Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe; and

**Direct** Staff to forward comment and advice, preliminarily outlined in this report, to the Province for consideration into the final proposed amendment to the Growth Plan; and

**Direct** Staff to forward a copy of this report to the Niagara Region for inclusion in their Municipal Comprehensive Review.

**Purpose:**

The purpose of this report is to inform Committee and Council that the Province has released Proposed Amendment 1 to the *Growth Plan for the Greater Golden Horseshoe, 2017* (“Growth Plan”). This report provides a summary of locally relevant amendments that have been proposed and outlines potential implications to Lincoln.

The Province is seeking feedback on the proposed amendment by Feb. 28, 2019. This report provides preliminary Staff comment and advice to be provided to the Province for consideration into the final plans for approval.

**Background:**

The Growth Plan sets out a long-term vision and policies for the Greater Golden Horseshoe area to 2041. It guides how and where growth should occur, protects farm land and green spaces, integrates infrastructure planning and investment and includes demographic, economic growth and health considerations. The Growth Plan is a provincial land use plan that works together with the Greenbelt Plan, Niagara Escarpment Plan, and Oak Ridges Moraine Conservation Plan to protect the natural environment and

provide a framework for growth management in the region (see Appendix A for provincial plans mapping in the Town of Lincoln).

The Greenbelt Plan 2017 establishes an area of permanently protected agricultural land and ecological features and functions within the Greater Golden Horseshoe area and includes the Niagara Escarpment Plan Area. The Niagara Escarpment Plan 2017 provides additional land-use planning policies for the Niagara Escarpment and land in its vicinity to maintain a continuous natural environment and ensure that any development is compatible with the natural environment. The Oak Ridges Moraine Conservation Plan does not apply to lands within Lincoln.

In the fall of 2018, the Ministry of Municipal Affairs and Housing ("MMAH") undertook consultation with the municipal, development, business, agricultural, environmental and research sectors to discuss Growth Plan implementation challenges, key solutions, and how it can support the government's priorities. Town Planning and Development staff attended these consultation sessions and provided input.

On Jan. 15, 2019, MMAH released Proposed Amendment 1 to the Growth Plan, prepared under the authority of Places to Grow Act, 2005 (see Appendix B for the Proposed Amendment 1). The proposed amendment has been posted on the Environmental Registry of Ontario (ERO) website for comment by Feb. 28, 2019. It is understood that this is the final opportunity for input to the plan, prior to the approval stage of the proposed amendment.

The Province has also released three additional related proposals for separate comment on the ERO website by Feb. 28, 2019, as follows:

- 1) Framework for 'provincially significant employment zones', a new designation proposed in the Growth Plan amendments;
- 2) Modifications to the Planning Act (Ontario Regulation 311/06) to support proposed Growth Plan changes to agricultural land base and NHS mapping; and
- 3) Modifications to the Places to Grow Act (O. Reg. 311/06) relating to transitional matters for the proposed Growth Plan amendments.

The draft regulation for these proposals have not been released, only a description of what may be included in the regulation has been provided.

On July 7, 2014, the Town adopted a new Official Plan which was approved by Niagara Region on April 30, 2015, and came into effect Nov. 18, 2016. This document provides the framework for the future direction of Lincoln.

The key directions include:

- Establishing Lincoln as a "Centre of Excellence for Agriculture";



- Preservation of agricultural lands and promoting agriculture, agri-tourism and farm diversification to improve the sustainability of agriculture;
- Supporting opportunities for employment;
- Reinforcing the need for a GO Train Station in the Town; and
- Encouraging diversity in housing.

The proposed amendment to the Growth Plan needs to ensure that the Strategic Directions of the Town to promote the movement of people and goods, to promote the Town as a “Centre of Excellence for Agriculture”, to encourage opportunities to support and attract new business and promote a healthy and viable community to ensure prosperity are realized. Increased flexibility of Provincial Policies will assist the Town in facilitating its local strategic directions.

Niagara Region is currently undertaking a comprehensive review of their Official Plan, referred to as a municipal comprehensive review (MCR) by the Province. The MCR is expected to be completed December 2021. The MCR will play a role in the future direction of the Town. The Town will continue to work with the Region during its MCR process and consult with the Region regarding the proposed amendments put forth by the Province.

### **Report:**

Staff have prepared a high-level understanding of the recently released proposed amendment to the Growth Plan, focusing on items of local relevance to the Town. The Province’s stated purpose of the proposal is to: respect the ability of local governments to make decisions about how they grow, provide greater flexibility, and address potential barriers to increasing the supply of housing, creating jobs and attracting investments.

The following discourse summarizes: the proposed amendments by category, potential implications to the Town, and preliminary Staff comment to the Province on the amendment and matters that remain of concern to the Town.

### **Settlement Area Boundary Expansions**

The proposal enables local municipal decisions on reasonable changes to settlement area boundaries in a timely manner and with reduced study requirements. The Province has identified this as a means for municipalities to unlock land faster and more easily for residential and commercial development in order to support more jobs and housing in the region.

**Proposed Policy 2.2.8.3:** Policy deals with appropriate locations for proposed boundary expansions. No change is proposed for the existing policy that prohibits settlement area boundary expansions in specialty crop areas. Proposed policy is reworded to focus on ‘outcomes’ that minimize impact to the agricultural system, reducing the specific studies required to justify the feasibility and location of expansion areas.

*Implication to Town:* Settlement area boundary expansions continue to be prohibited in specialty crop areas. In the Town of Lincoln, all urban settlement area boundaries are surrounded by lands considered as specialty crop lands within the Greenbelt Plan area. Therefore, urban boundary expansions would continue to be prohibited in Lincoln.

Proposed Policy 2.2.8.4: Allows municipalities to ‘adjust’ settlement area boundaries without a municipal comprehensive review (MCR), provided there is no net increase in settlement area land, the adjustment supports the ability to meet Growth Plan intensification and density targets, the settlement area is serviced, and subject to location requirements of policy 2.2.8.3 (referenced above). Adjustments without a MCR are not permitted in the Greenbelt area or rural settlements.

*Implication to Town:* All settlement areas in the Town of Lincoln are located within the Greenbelt area, with the exception of Tintern, which is a rural settlement. Therefore, adjustment of settlement area boundaries without a MCR would be prohibited in Lincoln.

Proposed Policies 2.2.8.5, 2.2.8.6: Allows municipalities to undertake settlement area boundary ‘expansions’, of a maximum 40 hectares, without a MCR, provided expansion lands will achieve Growth Plan minimum density targets, the settlement area is serviced, and subject to location requirements of policy 2.2.8.3 (referenced above). Expansions without an MCR are not permitted in the Greenbelt area or rural settlements.

*Implication to Town:* All settlement areas in the Town of Lincoln are located within the Greenbelt area, with the exception of Tintern, which is a rural settlement. Therefore, expansions of settlement area boundaries outside a MCR would not be permitted in Lincoln.

### **Small Rural Settlements**

The proposed policy recognizes that small rural settlements are not expected to face significant growth pressures and allows minor rounding out of rural settlements, subject to criteria.

Proposed Policy 2.2.9: Allows municipalities to make ‘minor adjustments’ to the boundaries of rural settlements without a MCR. The affected settlement area cannot be in the Greenbelt area, must be in keeping with the rural character of the area, and must constitute a minor rounding out of existing development, among other criteria.

*Implication to Town:* Implication to Tintern only, as it is the only rural settlement area in Lincoln.

Proposed Designated Greenfield Area Definition: Proposed change specifies that rural settlements are not part of the designated greenfield area.

*Implication to Town:* Implication to Tintern only, as it is the only rural settlement area in Lincoln. Exclusion in the designated greenfield area means that the minimum density target of 50 jobs and residents per hectare would not apply.

### **Agricultural and Natural Heritage System Mapping**

The proposal includes the creation of regional mapping systems as opposed to provincial mapping that reflects local mapping realities, while providing protections for natural resources and the economic viability of the agri-food industry.

Proposed Policies 4.2.6.8, 4.2.2.4: Provincial mapping of the agricultural land base (specialty crop area, prime agricultural area) and the natural heritage system (NHS) does not apply unless implemented in the applicable upper and single tier official plan. Prior to implementation of provincial mapping, prime agricultural areas and natural heritage systems and features identified in official plan mapping as of July 1, 2017, will be considered for Growth Plan policies.

*Implication to Town:* A provincial mapping system was imposed on municipalities in February 2018. The proposed policy would instead consider the Town's Official Plan existing mapping (in effect as of July 1, 2017) as the agricultural land base and NHS for purposes of the Growth Plan, until provincial mapping is implemented. This would address situations where upper and lower tier official plans do not align, and where the existing provincial mapping system does not reflect local official plan mapping.

Proposed Policies 4.2.6.9, 4.2.2.5: Clarification that upper and lower tier municipalities may request technical changes to the agricultural land base and NHS mapping at the time of initial implementation in their official plans, based on implementation procedures from the Province. OMAFRA and MNRF can update and re-issue mapping in response to such requests. Once provincial mapping of the agricultural land base and the NHS has been implemented, further refinements may only occur through a MCR.

*Implication to Town:* Refinements to local mapping may be requested by the Town or Region prior to the MCR. The Region's MCR process may also implement provincial mapping for the Town as a lower-tier municipality.

The Province's implementation procedures for such requests have not been released. Depending on these procedures, the proposed policy might allow the Town to address provincial mapping of agricultural lands that are not suitable for production, such as Prudhommes, east of Jordan Harbour, and the Jordan Public School site. Staff note that these lands are identified as specialty crop in the Greenbelt Plan, and changes to the Greenbelt Plan are not currently included as part of the Province's proposed amendments.

Proposed Policy 5.2.2.3: The Province may review and update the agricultural land base or NHS mapping for the Growth Plan in response to a municipal request.

On Jan. 15, 2019, MMAH released proposed modifications to the Planning Act (O. Reg. 525/97) to support the above Growth Plan amendment, also for comment by Feb. 28, 2019. The modification would allow municipalities to make official plan amendments to implement or modify agricultural area and natural heritage system mapping, prior to a MCR, subject to the Minister's approval.

*Implication to Town*: Refinements to the agricultural land base or NHS mapping may be requested by the Town, for approval by the Province, prior to the MCR.

### **Intensification and Density Targets**

A simplified, regional approach is proposed for the Growth Plan's minimum intensification and density targets. These targets are used to direct residential and employment growth within settlement areas. This proposal is intended by the Province to better reflect growth rates, local realities and market conditions across the GGH.

Proposed Policy 2.2.2.1: Simplified minimum intensification target for Niagara of 50 per cent of all residential development occurring annually in the built-up area, in effect after the Region's MCR. Proposal includes reduced requirements for municipalities to request an alternative target. Existing policy requires a minimum 40 per cent intensification target, increasing to 50 per cent after the Region's MCR, increasing again to 60 per cent in 2031 and each year thereafter.

*Implication to Town*: The Prudhomme's and Beamsville GO Transit Station Secondary Plans were approved in July 2018. These areas have been planned to accommodate significant density and intensification so meeting existing intensification targets should not be a concern. The proposals to reduce the minimum intensification target for 2031 and reduce criteria for municipalities to request reductions in intensification targets would, however, provide additional flexibility for the Town to meet intensification targets.

Proposed Policies 2.2.7.2, 2.2.7.4: A decrease in the minimum density target for designated greenfield areas of 50 residents and jobs per hectare in Niagara, planned to be achieved within the horizon of the Growth Plan. Proposal also includes reduced requirements for municipalities to request an alternative target and would permit requests to be made outside of the MCR process. Existing policy requires 80 residents and jobs per hectare for all municipalities in the GGH.

*Implication to Town:* The proposal would reduce the required minimum density target for greenfield areas to better align with market conditions in Lincoln as an outer ring municipality in the GGH. In Lincoln, designated greenfield areas are located within the Beamsville and Vineland Urban Areas.

### **Transit Station Areas**

The proposal provides a streamlined approach to enable the delineation of major transit station areas on priority transit corridors to happen faster so zoning and development can occur sooner.

Proposed Policy 2.2.4.5: Upper and single tier municipalities may delineate the boundaries of major transit station areas and identify minimum density targets for these areas in advance of a MCR, subject to conditions.

*Implication to Town:* Existing Growth Plan policies focus more on major transit station areas on 'priority transit corridors'; these corridors are identified by the Province and do not extend into Niagara. The proposal would allow municipalities to delineate the boundaries of a 'major transit station area' for the purposes of the Growth Plan. The Growth Plan contains policies to support development in these areas. The Town has identified a transit station area as part of the Beamsville GO Transit Station Secondary Plan.

Proposed Major Transit Station Area Definition: Increase the size of major transit station areas to 800 metres radius of a transit station. Existing policy specifies a 500 metre radius from of a transit station.

*Implication to Town:* The proposed increase in size for major transit station areas is consistent with the planned transit-supportive area for the approved Beamsville Go Transit Station Secondary Plan.

### **Employment**

The proposal includes a new employment area designation system that reduces the requirements and timeframe to convert employment lands to permit residential development.

Proposed Policy 2.2.5.10: A one-time window allowing municipalities to undertake employment land conversions prior to the next municipal comprehensive review (MCR), where appropriate and subject to criteria. A significant number of jobs are required to be maintained on these lands and proposed uses cannot adversely affect the overall viability of the employment area.

*Implication to Town:* Provides flexibility to add uses to employment lands prior to a MCR. Planning applications to convert employment lands to allow non-

employment uses would no longer be tied to Niagara Region's MCR process (expected completion December 2021).

The proposed policy would enable Planning and Development staff to support planning applications for appropriate employment conversions in a timely manner.

Proposed Policy 2.2.5.14: Outside of employment areas, the redevelopment of any employment lands should retain space for a similar number of jobs to remain accommodated on site.

*Implication to Town:* Further clarification is needed on this new policy, including: the criteria used to classify sites as 'employment lands' (not defined by Growth Plan) and the approach used to determine the existing and proposed number of jobs on the site.

Proposed Policy 2.2.5.13: Provides flexibility for upper-tier municipalities, in consultation with lower-tier municipalities, to set 'multiple' employment density targets within settlement areas, rather than a single target. Removes requirement for upper-tier municipalities to develop an employment strategy.

*Implication to Town:* The Region can specify employment density targets that are specific and appropriate to Lincoln's local economy.

Proposed Policy 2.2.5.5: Provides direction to municipalities to designate lands within settlement areas adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as employment areas (for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities).

*Implication to Town:* There are several major goods movement corridors that span urban areas in Lincoln and are not currently designated as employment areas. These areas include: the CNR freight corridor located within the Beamsville and Jordan Station urban areas; the QEW highway corridor and local interchanges located adjacent to the Prudhomme's urban area.

Proposed Policy 2.2.5.12: Proposal for "provincially significant employment zones", to be identified by MMAH, that must be protected and can only be converted through an MCR. Conversions require Provincial input and approval.

On Jan. 15, 2019, MMAH released the proposed framework for provincially significant employment zones, also for comment by Feb. 28, 2019. The proposed framework includes a map of 29 proposed provincially significant employment zones. There are no provincially significant employment zones proposed in Niagara.

*Implication to Town:* There are no proposed provincially significant employment zones in Niagara. Therefore, all employment lands in Lincoln, where appropriate, would be eligible for potential conversion without a MCR.

### **Preliminary Feedback to Province:**

#### *Settlement Area Boundary Expansions*

- We are encouraged that the proposal for settlement area boundary adjustments and expansions would permit decisions prior to the MCR process and thus be dealt with in a timelier manner. However, this expedited process is not applicable for lands located in the Greenbelt area. In addition, there is no proposal to amend existing policies that prohibit boundary changes into specialty crop areas altogether. Throughout Lincoln, settlement areas are surrounded by lands considered as specialty crop within the Greenbelt area.

The Growth Plan and Greenbelt Plans are Provincial level plans and at such a scale does not capture local situations where boundary issues manifest. The Town understands the need to protect specialty crop lands that are an important provincial resource, however, there are boundary issues reflective of local detail and local circumstances. We believe changes are warranted to settlement area boundaries in specialty crop lands where:

- Lands contain urban uses, are fully serviced, and are located contiguous to an existing settlement boundary (e.g., Prudhomme's east);
- Lands which 'round out' or complete the limits of development;
- Properties located partially outside of the settlement boundary and contain urban uses;
- Lands where Provincially-mandated urban intensification may occur, such as major transit station areas (e.g., Beamsville GO Transit Station Area)
- Lands where there are partial urban services, the sites can be easily serviced, and the lands are occupied by non-farm uses; and
- Lands physically separated from agricultural uses by a Provincial Highway (e.g., Prudhomme's east).

We recommend that the Growth Plan be amended to incorporate a provision giving flexibility for minor boundary adjustments and expansions in specialty crop areas which reflect local circumstances, such as non-farm uses, completion of urban areas, or utilization of natural boundaries and that such adjustments not be bound by further policy constraints from the Growth Plan and Greenbelt Plan.

#### *Small Rural Settlements*

- We support the increased flexibility provided by the proposal to allow municipalities to make minor adjustments to rural settlement boundaries. This proposal would allow boundary adjustments which reflect local circumstances and assist the Town in facilitating its local strategic directions.

- The minimum density targets set by the Province for designated greenfield areas are intended to achieve a more compact built form to support transit viability and make efficient use of land and infrastructure. These objectives are not consistent with the Town's Official Plan objectives for Tintern, which includes limited development and maintaining its small community character. Therefore, we support the proposed policy specification that rural settlements not be part of the designated greenfield area.

#### *Agricultural and Natural Heritage System Mapping*

- The mapping used by the Province in Provincial Plans is not as detailed as mapping prepared by the Region or the Niagara Peninsula Conservation Authority due to the scale of the mapping. We support the flexibility provided by the proposed policy to permit municipalities to refine the mapping for agricultural and environmental areas, recognizing that mapping prepared at the local level is done at a more detailed scale.
- It is recommended that the Province release, for input, the "implementation procedures" to be issued by the Province as referenced in proposed policy 4.2.6.9 regarding refinements to the agricultural land base mapping.

It is unclear whether the proposed mapping policies would allow the Town to remove from the agricultural land base lands that are not suitable for production, such as Prudhomme's east of Jordan Harbour, and the Jordan Public School site. These lands are identified as specialty crop in the Greenbelt Plan, however, currently contain non-farm, urban uses. It is recommended that the Province's implementation procedures include the flexibility necessary to permit mapping refinements such as those described above.

#### *Intensification and Density Targets*

- We support the regional approach that is proposed for minimum intensification and density targets, as it recognizes that growth rates and market conditions vary substantially across the GGH.

#### *Transit Station Areas*

- Key guiding principles of the Growth Plan include: achieving complete communities, prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and supporting transit viability.

The Province is proposing the extension of transit beyond Hamilton into Niagara. One of the potential sites is located within the Town in close proximity to the Ontario Street intersection with the Queen Elizabeth Way. Planning around such a higher order of transit facility dictates that a distance of 800 metres around the facility be used to create a transit-oriented community comprising higher densities, various housing forms and mixed-use developments. We support the proposed



amendment which increases from 500 metres to 800 metres radius for the definition of major transit station areas.

The Town has conducted significant planning for this potential transit facility as a key location for future growth in the Lincoln and Niagara region, through the recently approved Beamsville GO Transit Station Secondary Plan. Through this secondary plan, the transit station area has been delineated, and planned densities and land uses have been identified. We support the proposed amendment which permits municipalities to delineate boundaries of 'major transit station areas' that are not necessarily along priority transit corridors.

We note that the Province has directed other communities to rework plans where higher order transit is planned. We also note that the Growth Plan in Section 2.2.1.2e), supports focused growth in areas with existing or proposed transit with priority given to higher order transit. While the potential transit site is located within the Town's urban envelope, lands adjacent and contiguous to the transit station area are located outside of the settlement area and in the Greenbelt area. Additional lands, within 800 metre radius, located east and west of Lincoln Avenue and north and south of Greenlane, need to be added to the Town's urban envelope to have enough land to create a well-planned transit-oriented community and capitalize on the opportunity presented by the Province in creating a transit hub in Lincoln. Current Provincial Policies do not permit the expansion of the settlement boundary to address the objectives for a mobility hub. This is contrary to the Town's efforts to move away from an auto-centric planning model and towards a transit-oriented development.

We recommend that the Province amend the relevant plans and policies so as not to preclude by policy, the building of a transit-oriented development in association with the planned transit hub in Lincoln. We also reiterate our recommendation that a MCR may alter the boundaries of settlement areas, even onto specialty crop areas.

### *Employment*

- The creation of a one-time window to allow municipalities to undertake employment conversions prior to a MCR provides the Town with greater flexibility and timeliness to address proposed employment land conversions. This would assist the Town in promoting a healthy and viable community and the creation of appropriate transit-oriented plans. We support the flexibility provided by this proposal.
- We support the objective of the proposal that requires space be retained for a similar number of jobs on redevelopment sites. This is consistent with the Town's direction to support opportunities for employment.

However, the proposed policy wording is vague and unclear. The policy applies to the redevelopment of employment lands, outside of employment areas. A

definition for 'employment lands' has not been provided. The proposed policy should allow for flexibility to ensure that redevelopment can still proceed where it cannot, or it is not desirable to accommodate a similar number of jobs on the site.

For example, within Lincoln, there are several small properties that contain existing commercial uses and future mixed-use redevelopment is supported by the Official Plan. Due to constraints such as site size, it may not be reasonable to accommodate a similar number of jobs. Lincoln has a limited amount of urban area to meet the Growth Plan's density and intensification targets. The redevelopment of these sites would help achieve these targets.

We recommend that the proposed policy be clarified, and that the proposal does not contradict Growth Plan policies for density and intensification, nor restrict the type of redevelopment envisioned in municipal official plans. We recommend the proposed policy requiring a similar number of jobs to be accommodated on a site be limited to designated 'employment areas'. Increased flexibility of Provincial Policies will assist the Town in facilitating its local strategic directions.

*Other Items of Concern Not Addressed by Proposed Amendment 1*

- The Greenbelt Plan and Niagara Escarpment Plan both work within the framework set out by the Growth Plan. We note that no proposed amendments have been released by the Province for the Greenbelt Plan or Niagara Escarpment Plan. We view the need for all three Provincial Plans to allow and recognize local solutions. Provincial-level plans must provide the flexibility for local municipal jurisdictions, be they regional or local, to implement broad brush Provincial Plans in a manner that is reflective of local circumstances.

The Greenbelt Policies do not provide any flexibility outside of settlement areas to expand urban type uses, add additional uses, or even change the land use since the existing policies require that any change in use be more in conformity with the Greenbelt Plan. Municipalities should be permitted to allow a change to these uses, subject to meeting appropriate criteria.

In addition, the current policies of the Greenbelt Plan make it difficult for rural municipalities to provide for all of the components of a complete community, including open space and recreational facilities, emergency and health facilities, fire stations, educational facilities, places of worship, places of employment, residential uses and commercial facilities and access to transit. For example, fire stations need to be located to optimize their response times, but Provincial Policies do not permit municipal facilities within the agricultural area. There is a need to provide some flexibility, as well as criteria, for establishing emergency services outside of settlement areas.

We recommend that all three plans contain specific policy recognizing that because agriculture in Niagara is unique, locally-generated solutions consistent

with the intent and purpose of the respective Provincial Plan will be allowed and deemed in conformity with said Provincial Plan. Permit adjustments and minor settlement area boundaries in the Greenbelt Area, to permit redevelopment opportunities for urban portions of lands that meet the intent of the plan, and to address properties that either have multiple plans affecting a single property or are only partially included in the Greenbelt.

- There needs to be alignment between the various Provincial Policies and how the policies are implemented across Provincial Ministries. The definitions and policies in the various plans need to be aligned and be updated to reflect the new PPS. It can be difficult to know which policies take precedent. The Ministry of Agriculture, Food and Rural Affairs is supportive of agriculture and the Ministry of Municipal Affairs is encouraging redevelopment and intensification within urban areas. The Ministry of Natural Resources updates their environmental feature mapping which establishes setbacks from those new environmental features (For example wetlands in the agricultural and urban areas). In some instances it restricts or eliminates economic development opportunities. This creates difficulty for municipalities to implement Provincial Policies.
- In order to ensure consistency in the interpretation of Provincial Policies, detailed implementation guides as well as Staff training is needed to assist Staff in interpreting new policies. For example, the Growth Plan requires that Greenfield Areas achieve a minimum density target of not less than 50 residents and jobs per hectare. This is easily translated for areas intended for residential use, but more difficult to determine for development in commercial and industrial areas. The guidelines need to be practical and be able to be implemented.

### **Financial, Legal, Staff Considerations:**

**Financial:** The municipality may incur costs to amend its Official Plan and Zoning By-law to implement the changes to the Provincial Policy and the Regional Official Plan, if required.

**Staffing:** There are no additional staffing requirements anticipated as a result of the consideration of this report.

**Legal:** There are no legal costs anticipated as a result of the consideration of this report.

### **Public Engagement Matters:**

The proposed amendment to the Growth Plan has been posted to the Environmental Registry of Ontario website for feedback by Feb. 28, 2019. The consultation is open to all members of the public.

## **Conclusion:**

This report provides a summary of the Province's recently released proposed amendment to the Growth Plan and outlines potential implications to Lincoln. This report provides preliminary Staff comment and advice to be provided to the Province by Feb. 28, 2019, for consideration into the final plans for approval.

The Town in consultation with NiagaraRegion will be submitting comments regarding the proposed amendments put forth by the Province. Should the changes to the Provincial Plans provide the Region with the opportunity to amend and refine the settlement boundaries, the proposed changes outlined in this report will be considered as part of the MCR. It is important for the Town to continue to work with the Province and the Region to ensure that the position of the Town is known.

Respectfully submitted,

Melissa Shih, MCIP, RPP  
Manager of Special Projects  
905-563-2799 Ext.250

## **Appendices:**

Appendix A (Provincial Plans Map)

Appendix B (Proposed Amendment 1 to the Growth Plan)

## **Report Approval:**

Report has been reviewed and/or approved by the Associate Director of Planning and Development. The report has been approved by the Chief Administrative Officer.